

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2005-644

PROJECT MANAGER: Dale J. Pfeiffle

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date: February 9, 2005
At the project site? Y ☐ N ☐ Date:

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Racine

Center coordinates of site by latitude & longitude: 42.6896440109242N, 87.8993270312345W

Approximate size of site/property (including uplands) in acres: 50

Name of waterway or watershed: Unnamed tributary to the Pike River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

FILE NUMBER: MVP- 2005-644

ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite): **A wetland delineation report was received for jurisdictional review and concurrence. The wetland delineation completed at the site identified 3 separate wetland plant communities. The remainder of the site is active cropped fields. A review of the wetland delineation report, the Sturtevant, WI USGS quadrangle, the Racine County soil survey, and an April 2000 SEWRPC air photo indicate that two of the three delineated wetlands, having a combined surface area of approximately 2.36 acres, are located within closed depressions that lack either a natural or manmade surface water connection to a water of the United States. The wetlands are also situated in a manner that they would not be considered to be "adjacent" to a water of the US. Furthermore, a link to interstate commerce could not be established. Therefore, these wetland basins are isolated waters.**

The third wetland with a total surface area of approximately 1.7 acres is adjacent to an intermittent tributary to the Pike River, which is tributary to Lake Michigan, a navigable water of the United States. The unnamed tributary is located on the adjacent property.

A specific site development plan was not provided with the delineation. However, the site is likely under consideration for a residential subdivision development. Potential wetland impacts are not known.